IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21874 of 2004

Between:

Farmers Recreation Club (Reg No.73/95) its President Annaram Mohan Reddy
R/o.H.No.2-3-69,Sarojinidevi Raod, Kamareddy,
Nizamabad Dist.

..... PETITIONER

AND

1 The Sub-Divisional Police Officer
Kamareddy, Nizamabad Dist
2 The C.I. of Police,
Kamareddy, Nizamabad Dist.
3 The S.I.of Police,
P.S.Town Kamareddy, Nizamabad Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the respondents herein to forbear from interfering/obstructing the petitioner's club from conducting the card rooms where the Members or guests of the petitioner club are allowed to play the game of rummy with stake/syndicate (13 cards game) and also with lawful activities of the petitioner club by duly declaring the action of the respondents in interfering with the lawful activities of the petitioner club including playing of rummy game is nothing but arbitrary, illegal and violative of art.14 of the Constitution of India and also contrary to the provisions of A.P. Gaming Act, 1974.

Counsel for the Petitioner:MR.V.RAVI KIRAN RAO

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner is a club. Its grievance is that the respondents are interfering with its activities and preventing its members from playing rummy with stakes or in syndicate.

Learned counsel for the petitioner submits that in *State of A.P. v. K. Satyanarayana*, the Supreme Court held that rummy with 13 cards is not a game of choice and it is a game of skill. He contends that Sections 3 and 4 of the A.P. Gaming Act, 1974 do not apply to such game and it falls within the meaning of game of 'mere skill' under Section 15 of that Act.

Learned Government Pleader for Home, on the other hand, submits that under the guise of playing the game of rummy, the members of the petitioner are resorting to three cards play, which is purely the one of choice.

As part of its activities, the petitioner is maintaining a card room. It is stated that the members of the petitioner club are playing only the 13 card rummy, sometimes with stakes and sometimes in syndicate. In view of the Judgment of the Supreme Court referred to above, the respondents cannot interfere with the playing of rummy by the members of the petitioner. However, if it is noticed that the members of the petitioner are playing any game of choice, including the one with three cards, steps can certainly be taken in accordance with law to prohibit and penalize such activities.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the lawful activities of the members of the petitioner, namely, playing of rummy with 13 cards with stakes or in syndicate and in case, they are found to be playing any other game of skill, it shall be open to the respondents to take such action as is open to them in law. It is also made clear

that under the guise of causing inspection, the officials or advocate-commissioners shall not be posted and the activities of the club cannot be crippled. No order as to costs.

07.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Sub-Divisional Police Officer
Kamareddy, Nizamabad Dist
2 The C.I. of Police,
Kamareddy, Nizamabad Dist.
3 The S.I.of Police,
P.S.Town Kamareddy, Nizamabad Dist.

4. Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad (OUT)

5. Two CD copies.